

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONNIE J. ANDERSON,

Petitioner,

v.

Case No. 06-C-0126

CATHY JESS,

Respondent.

ORDER

On January 30, 2005, Ronnie J. Anderson filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Petitioner was convicted in Walworth County Circuit Court of first-degree sexual assault of a child, contrary to Wis. Stat. 948.02, and was sentenced to thirty years imprisonment plus twenty years extended supervision. He is currently incarcerated at Dodge Correctional Institution.

Along with his petition, petitioner has filed an application to proceed without prepayment of fees. The accompanying affidavit shows that he has only \$4.28 in his prison trust account. The filing fee for a petition under 28 U.S.C. § 2254 is \$5.00. However, petitioner also has a prison job. In the thirty days preceding the filing of the petition, petitioner earned nearly \$50. It thus appears that he could pay the \$5 filing fee from his prison earnings. Under these circumstances, petitioner's application to proceed without prepayment of fees will be denied, but he will be given thirty days to pay the \$5 filing fee if he wishes to proceed with his petition.

IT IS THEREFORE ORDERED that petitioner's application to proceed without prepayment of fees (Docket #2) is hereby **DENIED**. Petitioner shall have thirty days from the date of this Order to pay the \$5 filing fee. Failure to pay the filing fee will result in dismissal of the petition, without prejudice.

Dated this 2nd day of February, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge